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UBER TECHNOLOGIES, INC. and OTTOMOTTO LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.,  
OTTOMOTTO LLC; OTTO TRUCKING LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF MARTHA L.  
GOODMAN IN SUPPORT OF  
DEFENDANTS' ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL  
MOTION *IN LIMINE* NO. 24 AND  
WAYMO'S BRIEF IN OPPOSITION  
THERE TO**

Judge: The Honorable William Alsup  
Trial Date: October 10, 2017

I, Martha L. Goodman, declare as follows:

1. I am an attorney with the law firm of Boies Schiller Flexner LLP representing Defendants Uber Technologies Inc. and Ottomotto LLC (collectively, “Uber”) in this matter. I make this declaration based upon matters within my own personal knowledge and if called as a witness, I could and would competently testify to the matters set forth herein. I make this declaration in support of Defendants’ administrative motion for an order to file under seal portions of the briefing and certain exhibits to Defendants’ Motion *in Limine* No. 24 and Waymo’s Brief in Opposition to Defendants’ Motions *in Limine* No. 24.

2. I have reviewed the following exhibits and only the portions identified below merit sealing:

Document	Portions to Be Filed Under Seal	Designating Party
<b>DEFENDANTS’ OPENING MIL MATERIALS</b>		
Defendants’ Motion <i>in Limine</i> No. 24 (“MIL 24”)	Highlighted Portions	Plaintiff (green)
Exhibit 8	Entire Document	Plaintiff
Exhibit 10	Highlighted Portions	Plaintiff (green)
Exhibit 12	Entire Document	Plaintiff
<b>WAYMO’S OPPOSITION MATERIALS</b>		
Plaintiff Waymo LLC’s Opposition to Defendants’ Motion In Limine No. 24 (“Waymo’s Opposition to Defendants’ MIL 24”)	Highlighted Portions	Plaintiff (green) Defendants (blue)
Exhibit 1 to the Declaration of Jeff Nardinelli (“Nardinelli Decl.”)	Entire Document	Defendants
Exhibit 2 to the Nardinelli Decl.	Highlighted Portions	Defendants (blue)
Exhibit 3 to the Nardinelli Decl.	Highlighted Portions	Defendants (blue)
Exhibit 4 to the Nardinelli Decl.	Highlighted Portions	Plaintiffs (green) Defendants (blue)

#### **DEFENDANTS’ MIL MATERIALS**

3. The highlighted portions of MIL 24 and of Exhibit 10 and the entirety of Exhibits 8 and 12, contain information that Waymo designated or considers “Confidential” and/or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Protective Order in this case, or that Waymo asked Uber to file under seal.

**WAYMO'S OPPOSITION MATERIALS**

4. The blue highlighted portions of Waymo's Opposition to Defendants' MIL 24, Exhibits 2, 3 and 4, and the entirety of Exhibit 1 to the Nardinelli Declaration contain confidential or highly confidential information regarding Uber's LiDAR development and autonomous vehicle business strategy. This information is not publicly known, and its confidentiality is strictly maintained. Disclosure of this information could allow competitors to obtain a competitive advantage over Uber by giving them details into Uber's internal development of LiDAR and business plans for autonomous ridesharing, which would allow competitors to understand Uber's LiDAR development and autonomous vehicle business strategy, and allow them to tailor their own strategy. If such information were made public, Uber's competitive standing could be significantly harmed.

5. The green highlighted portions of Waymo's Opposition to Defendants' MIL 24 and of Exhibit 4 to the Nardinelli Declaration contain information that Waymo designated or considers "Confidential" and/or "Highly Confidential – Attorneys' Eyes Only" pursuant to the Protective Order in this case, or that Waymo asked Uber to file under seal.

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6. Uber's request to seal is narrowly tailored to the portions of Defendants' motions *in limine* and its supporting papers, as well as to the portions of Waymo's brief in opposition to Defendants' motions in limine and Waymo's supporting papers, that merit sealing.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 13th day of September, 2017 at Washington, D.C.

Dated: September 13, 2017

BOIES SCHILLER FLEXNER LLP

By: /s/ Martha L. Goodman  
Martha L. Goodman

**ATTESTATION OF E-FILED SIGNATURE**

I, Karen L. Dunn, am the ECF User whose ID and password are being used to file this document. In compliance with General Order 45, X.B., I hereby attest that Martha L. Goodman has concurred in this filing.

Dated: September 13, 2017

/s/ Karen L. Dunn

Karen L. Dunn